

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

PLAINTIFFS' MOTION TO AMEND THE COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiffs Sony Music Entertainment, Arista Music, Arista Records LLC, LaFace Records LLC, Provident Label Group, LLC, Sony Music Entertainment US Latin, Volcano Entertainment III, LLC, Zomba Recordings LLC, Sony/ATV Music Publishing LLC, EMI Al Gallico Music Corp., EMI Algee Music Corp., EMI April Music Inc., EMI Blackwood Music Inc., Colgems-EMI Music Inc., EMI Consortium Music Publishing Inc. d/b/a EMI Full Keel Music, EMI Consortium Songs, Inc., individually and d/b/a EMI Longitude Music, EMI Feist Catalog Inc., EMI Miller Catalog Inc., EMI Mills Music, Inc., EMI Unart Catalog Inc., EMI U Catalog Inc., Jobete Music Co. Inc., Stone Agate Music, Screen Gems-EMI Music Inc., Stone Diamond Music Corp., Atlantic Recording Corporation, Bad Boy Records LLC, Elektra Entertainment Group Inc., Fueled By Ramen LLC, Nonesuch Records Inc., Roadrunner Records, Inc., Warner Bros. Records Inc., Warner/Chappell Music, Inc., Warner-Tamerlane Publishing Corp., WB Music Corp., W.B.M. Music Corp., Unichappell Music Inc., Rightsong Music Inc., Cotillion Music, Inc., Intersong U.S.A., Inc., UMG Recordings, Inc., Capitol Records, LLC, Universal Music Corp., Universal Music – MGB NA LLC, Universal Music Publishing Inc., Universal Music Publishing AB, Universal Music Publishing Limited,

Universal Music Publishing MGB Limited, Universal Music – Z Tunes LLC, Universal/Island Music Limited, Universal/MCA Music Publishing Pty. Limited, Universal – Polygram International Tunes, Inc., Universal – Songs of Polygram International, Inc., Universal Polygram International Publishing, Inc., Music Corporation of America, Inc. d/b/a Universal Music Corp., Polygram Publishing, Inc., Rondor Music International, Inc., and Songs of Universal, Inc., (collectively, “Plaintiffs”), hereby respectfully move the Court for permission to amend the Complaint.

Plaintiffs requested Cox’s consent to this motion but had not yet received a response as of the time of this filing. Plaintiffs therefore seek leave to file under the liberal standard of Rule 15(a)(2) and consistent with the Court’s Scheduling Orders. ECF Nos. 60, 53. A proposed First Amended Complaint is attached hereto as Exhibit 1, with updated sound recordings listed in Exhibit A and musical compositions in Exhibit B. This amendment does not add any new parties, works or claims. Under the applicable legal standard for motions to amend, as discussed in the accompanying memorandum of law, good cause exists to amend the Complaint.

LOCAL RULE 7(E) MEET AND CONFER STATEMENT

Counsel for Plaintiffs provided counsel for Cox with notice of Plaintiffs’ Motion to Amend and Proposed First Amended Complaint on April 8, 2019, requesting Cox’s consent and making counsel available for a telephone conferral. Plaintiffs had not yet received a response as of the filing of this motion and will update the Court promptly in the event Cox consents.

Dated April 8, 2019

Respectfully Submitted,

/s/ Scott A. Zebrak

Scott A. Zebrak (38729)

Matthew J. Oppenheim (*pro hac vice*)

Jeffrey M. Gould (*pro hac vice*)

OPPENHEIM + ZEBRAK, LLP

4530 Wisconsin Avenue, NW, 5th Floor

Washington, DC 20015

Tel: 202-480-2999

scott@oandzlaw.com

matt@oandzlaw.com

jeff@oandzlaw.com

Attorneys for Plaintiffs